

REMARKS

Applicants respectfully request reconsideration and allowance of the subject application. Claims 7, 8, 17, 18, 21, and 29 are amended. Claims 1-31 are pending.

CLAIM OBJECTIONS

Claim 29 was objected to because it depended on itself. Applicants have amended claim 29 to depend on claim 28. Applicants respectfully request that the objection be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112

Claims 7-8 and 17-18 were rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, claims 7-8 and 17-18 were rejected because each claim recited "the node," when, as stated in the Office Action, recitation of "the node" lacked sufficient antecedent basis. Claims 7-8 and 17-18 have been amended to recite "at least one node." Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 112 be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. § 101

Claims 21-23 and claims 24-31 were rejected under 35 U.S.C. § 101 because, according to the Office Action, the claimed invention was directed to non-statutory subject matter.

1 Applicants have amended claim 21 as follows:

2
3 21. A resource discovery framework for resource
4 discovery embodied in a computer-readable medium in a network
5 including multiple subnets and discoverable networked resources,
6 the framework comprising:
7 an active discovery agent designated for ones of the multiple
8 subnets for identifying active discovery agents on neighboring
9 subnets within the network;
10 a selection mechanism for designating the active discovery
11 agent within each
12 subnet; and
13 a request propagation mechanism by which nodes containing
14 the active discovery agents propagate an inter-subnet resource
15 discovery search request to active discovery agents on
16 neighboring subnets.

17
18 Applicants submit that claim 21 as amended is directed to statutory subject
19 matter. In addition, because claims 22 and 23 depend from and apply additional
20 elements to the subject matter to which claim 21 is directed, claims 22 and 23 also
21 are directed to statutory subject matter. Accordingly, Applicants respectfully
22 request that the rejection under 35 U.S.C. § 101 be withdrawn with respect to
23 claims 21-23.
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1 Claims 24-31, unlike claims 21-23, were rejected under 35 U.S.C. § 101
2 and 35 U.S.C. § 102. More specifically, the Office Action noted that the claims
3 "are not limited to tangible embodiment based on the broadest interpretation."

4 With regard to claims 24-31, applicants respectfully traverse the rejection
5 under 35 U.S.C. § 101. Respectfully, according to the Manual of Patent
6 Examining Procedure, Eighth Edition (2001-04), such a system does not exceed
7 the bounds of statutory subject matter:

8 The subject matter courts have found to be outside the four
9 statutory categories of invention is limited to abstract ideas, laws of
10 nature and natural phenomena. While this is easily stated,
11 determining whether an applicant is seeking to patent an abstract
12 idea, a law of nature or a natural phenomenon has proven to be
13 challenging. These three exclusions recognize that subject matter
14 that is not a practical application or use of an idea, a law of nature or
15 a natural phenomenon is not patentable. See, e.g., *Rubber-Tip Pencil*
16 *Co. v. Howard*, 87 U.S. (20 Wall.) 498, 507 (1874) ("idea of itself is
17 not patentable, but a new device by which it may be made practically
18 useful is"); *Mackay Radio & Telegraph Co. v. Radio Corp. of*
19 *America*, 306 U.S. 86, 94, 40 USPQ 199, 202 (1939) ("While a
20 scientific truth, or the mathematical expression of it, is not
21 patentable invention, a novel and useful structure created with the
22 aid of knowledge of scientific truth may be."); *Warmerdam*, 33 F.3d
23 at 1360, 31 USPQ2d at 1759 ("steps of 'locating' a medial axis, and
24 'creating' a bubble hierarchy . . . describe nothing more than the
25 manipulation of basic mathematical constructs, the paradigmatic
'abstract idea' ").

18 MPEP § 2106, Part IV.A. (emphasis is original and not supplied by the
19 applicants). Claims 24-31 are directed to a "system" of "discovery agents" for
20 "automating network-wide resource discovery in networks having multiple
21 subnets." Moreover, claim 24 describes "a set of inter-subnet discovery agents
22 installed on nodes within the multiple subnets." The elements recited are
23 supported by, although not limited by, descriptions of embodiments included in
24 the specification of the subject patent application. Respectfully, applicants submit
25 that claim 24 and claims depending from claim 24 are not abstract ideas, laws of

1 nature, or natural phenomena that reach, let alone exceed, the bounds of what
2 constitutes statutory subject matter. Thus, applicants request the rejection under
3 35 U.S.C. § 101 be withdrawn with respect to claims 24-31.

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5 **CLAIM REJECTIONS UNDER 35 U.S.C. § 102**

6 Claims 1-2, 4-5, 7-8, 11-12, 14-15, 17-18, 24-25, 27-28, and 30-31 were
7 rejected under 35 U.S.C. § 102 as being anticipated by Publication No.
8 2002/0161883 A1 to Matheny et al. (hereinafter "Matheny"). Applicant
9 respectfully traverses the rejection. Applicant reserves its right to file a Rule 131
10 Declaration to remove the rejection over Matheny.

11 The subject application is directed to methods and systems for discovering
12 resources in distributed networks, as exemplified in Claim 1:

- 13 1. (Original) A method for performing resource
14 discovery in a network having multiple subnets and wherein inter-
15 subnet discovery agents installed on nodes within the multiple
16 subnets support inter-subnet resource discovery, the method
17 comprising:
18 designating, within a first subnet, a first inter-subnet
19 discovery agent on a first node as an active discovery agent;
20 discovering, by the first inter-subnet discovery agent, active
21 discovery agents on neighboring subnets in the network; and
22 propagating, by the first node containing the active
23 discovery agent, an inter-subnet resource discovery search request
24 to the active discovery agents on neighboring subnets.
25

1 Applicants respectfully call attention to the third paragraph of claim 1,
2 reciting "discovering, by the first inter-subnet discovery agent, active discovery
3 agents on neighboring subnets in the network."

4 Matheny discloses "a network management system 102 capable of
5 performing a coordinated network discovery operation for detecting resources on a
6 network" (*Matheny*, Paragraph 8). More specifically, as cited in the Office
7 Action, Matheny's network management system utilizes a network manager
8 directing a number of discovery agents:

9 A networked computer system ("network") 100, as shown in
10 FIG. 1, includes a network management system 102 capable of
11 performing a coordinated network discovery operation using a
12 number of discovery agents according to an embodiment. The
13 network management system 102 includes a network manager 104,
14 which utilizes a number of different network discovery agents 106
15 and aggregator agents 108 to perform discovery operations. *The*
16 *network management system 102 accommodates the incorporation*
17 *of new discovery agents and aggregator agents into the system over*
18 *time.*

15 (*Matheny*, Paragraph 8; emphasis added). Matheny uses discovery agents, of
16 which new discovery agents may be incorporated over time, but nowhere does
17 Matheny describe "discovering" discovery agents, as recited in claim 1.

18 In the Office Action, a number of passages describe the operation of
19 discovery agents to poll resources, but none describe "discovering" discovery
20 agents:

21 The discovery agents 106 collect information from targeted
22 network devices 110 during a discovery operation (described below),
23 for example, *by polling devices in a certain range of addresses or in*
24 *a particular subnet.* Different discovery agents may perform
25 discovery operations using different techniques, and may collect
different types of data. *Discovery agents may be on the same*
computer as the discovery manager, or may reside on a remote
machine that uses a local module to communicate with the
discovery manager.

1 (Matheny, Paragraph 11; emphasis added).

2 The network manager 104 continues to loop through the other
3 discovery agents 106 (block 320), repeating the operation (blocks
4 306-318) *until all registered discovery agents have been called* and
all discovered and aggregated information has been coalesced into
the discovery document.

5 (Matheny, Paragraph 28; emphasis added). In sum, Matheny describes a process
6 in which each discovery agents, that have been previously registered, poll for
7 devices in a certain range of addresses or subnets. Thus, while Matheny's
8 discovery agents poll for resources in assigned or specified locations, nowhere
9 does Methany disclose, suggest, or even mention a process of "discovering"
10 discovery agents. Accordingly, applicants request that the rejection under 35
11 U.S.C. § 102 be withdrawn with regard to claim 1.

12 For these same reasons, applicants request that the rejections under 35
13 U.S.C. § 102 be withdrawn from claims 2, 4-5, 7-8, 11-12, 14-15, 17-18, 24-25,
14 27-28, and 30-31. Like independent claim 1, independent claims 11 and 24 recite
15 "discovering" discovery agents. Moreover, because dependent claims 2, 4-5, and
16 7-8 apply additional limitations to claim 1, dependent claims 12, 14-15, and 17-18
17 apply additional limitations to claim 11, and dependent claims 25, 27-28, and 30-
18 31 apply additional limitations to claim 24, these claims are patentable for at least
19 the same reasons as the claims from which each depends, as previously described.
20 Thus, applicants respectfully request that the rejection under 35 U.S.C. § 102 be
21 withdrawn with regard to claims 2, 4-5, 7-8, 11-12, 14-15, 17-18, 24-25, 27-28,
22 and 30-31.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 3, 6, 13, 16, 26, and 29 are rejected under 35 U.S.C. § 103. Applicants respectfully traverse the rejection. Claims 3 and 6 apply additional elements to claim 1, claims 13 and 16 apply additional limitations to claim 11, and claims 26 and 29 apply additional limitations to claim 24. Accordingly, these claims are patentable for at least the same reasons as the claims from which each depends, as previously described. Thus, applicants respectfully request that the rejection under 35 U.S.C. § 103 be withdrawn with regard to claims 3, 6, 13, 16, 26, and 29.

Applicants' decision not to discuss the differences between the cited art and each dependent claim with regard to rejections under 35 U.S.C. §§ 102 and 103 should not be considered as an admission that applicants concur with the Office Action's conclusion that these dependent claims are not patentable over the cited references. Similarly, applicants' decision not to discuss differences between the prior art and every claim element, or every comment in the Office Action, should not be considered as an admission that applicants concur with interpretations and assertions regarding those claims in the Office Action.

CONCLUSION

Claims 1-31 are in condition for allowance. Applicants respectfully request entry of the amendment, and reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, the Examiner is requested to contact the undersigned attorney to resolve the issue.

Respectfully Submitted,

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